

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD LEE JOHNSEN,

Plaintiff,

V.

HENRY TAMBE,

Defendant.

Case No. C19-141 TSZ-MLP

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

This is a 42 U.S.C. § 1983 prisoner civil rights action. This matter comes before the Court on Plaintiff's motion seeking reconsideration of this Court's April 5, 2019 Order Denying Plaintiff's Motion for Default. (Dkt. # 21.) Plaintiff asserts that he did not personally receive notification that Defendant had returned the Waiver of Service of Summons by the applicable deadline, and the undersigned's Order mistakenly states that "Plaintiff argues the applicable deadline for Defendant to return the waiver was March 17, 2019." (Dkt. # 19.) However, Plaintiff no longer argues that Defendant failed to timely return the Waiver to the Court by March 17, 2019, and simply asks that the Court send him a copy of the Waiver of Service and of Appearance from the Court for his records. (Dkt. # 21.)

The Court will ordinarily deny motions for reconsideration “in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.” LCR 7(h)(1). Although Plaintiff is correct that the Court’s prior Order contains a typographical error stating that Plaintiff identified the deadline as March 17, 2019, when in fact he identified the deadline as March 27, 2019, this error was inconsequential to the Court’s analysis relating to Plaintiff’s Motion for Default. It is undisputed that the deadline for the Defendant to return the Waiver of Service was March 27, 2019, and that it was properly filed with the Court by that date. (Dkt. # 16.) In sum, Plaintiff has not demonstrated manifest error in the Court’s prior ruling, or any new facts or legal authority which change the outcome of the Court’s ruling on his Motion for Default. Plaintiff’s motion for reconsideration (dkt. # 21) is therefore DENIED.

The Clerk is directed to send copies of this order to the parties and to the Honorable Thomas S. Zilly. The Clerk is further directed to mail copies of the Waiver of Service and Notice of Appearance (dkt. ## 14-16) to Plaintiff.

Dated this 18th day of April, 2019.

W. J. Reesom

MICHELLE L. PETERSON
United States Magistrate Judge